



# Department of Justice

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Eastern District of California

FOR IMMEDIATE RELEASE  
Thursday, March 5, 2009  
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## **FAIRFIELD COUPLE INDICTED FOR BIAS-MOTIVATED ASSAULT IN SOUTH LAKE TAHOE**

SACRAMENTO, Calif.—Acting United States Attorney Lawrence G. Brown and Acting Assistant Attorney General of the Civil Rights Division Loretta King announced today that a federal grand jury returned a two-count indictment charging JOSEPH SILVA, 55, and GEORGIA SILVA, 51, both of Fairfield, formerly also of South Lake Tahoe, with federal civil rights violations in connection with a 2007 assault on two persons of South Asian origin on a public beach in South Lake Tahoe.

This case is the product of an investigation by the FBI and the South Lake Tahoe Police Department.

According to Assistant United States Attorney Benjamin B. Wagner, who is prosecuting the case together with Civil Rights Division Trial Attorney Douglas Kern, the indictment alleges that on the evening of July 14, 2007, JOSEPH and GEORGIA SILVA committed a bias-motivated assault on another couple at a public beach in South Lake Tahoe. The SILVAs allegedly first confronted the victims verbally on the beach, using derogatory racial and ethnic slurs to refer to the Indian-American couple. The SILVAs then assaulted the couple, including striking one of the victims with a shoe and tackling and striking another victim repeatedly in the head. One victim suffered significant facial injuries, including fractured facial bones.

The SILVAs were prosecuted in El Dorado County, but felony charges and a hate crime enhancement were dismissed by the Superior Court in that case. In July 2008, JOSEPH and GEORGIA SILVA pleaded nolo contendere to misdemeanor assault charges in that case, and they were sentenced in late September 2008 to six months and one year, respectively, in the El Dorado County Jail. The U.S. Justice Department may bring a successive prosecution in cases where the federal interest in enforcement of the civil rights laws were not vindicated by the earlier state prosecution.

The maximum statutory penalty for each of the two violations is 10 years in prison and a \$250,000 fine. However, the actual sentence will be dictated by the Federal Sentencing Guidelines, which take into account a number of factors, and will be imposed at the discretion of the court.

The charges are only allegations and the defendants are presumed innocent until and unless proven guilty beyond a reasonable doubt.

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